

## 1 HOUSE BILL NO. 137

2 INTRODUCED BY C. JUNEAU

3 BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING ARTICLE X, SECTION 1(1), OF THE MONTANA  
6 CONSTITUTION, REGARDING THE DEVELOPMENT OF THE EDUCATIONAL POTENTIAL OF EACH  
7 PERSON, AND ARTICLE X, SECTION 1(2), OF THE MONTANA CONSTITUTION BY PROVIDING FUNDING  
8 TO THE OFFICE OF PUBLIC INSTRUCTION TO IMPLEMENT A DROPOUT PREVENTION PROGRAM THAT  
9 IS INTEGRATED WITH INDIAN EDUCATION FOR ALL; REQUIRING THE SUPERINTENDENT OF PUBLIC  
10 INSTRUCTION TO CONSULT WITH THE MONTANA ADVISORY COUNCIL ON INDIAN EDUCATION;  
11 REQUIRING REPORTS TO THE STATE-TRIBAL RELATIONS COMMITTEE, THE BOARD OF PUBLIC  
12 EDUCATION, AND THE 60TH LEGISLATURE; PROVIDING AN APPROPRIATION; AND PROVIDING AN  
13 EFFECTIVE DATE."

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15 WHEREAS, in 1972, the people of Montana declared that it is the goal of the state to establish an  
16 educational system that will develop the full educational potential of each person; and

17 WHEREAS, the Montana Supreme Court, in *Helena Elementary School District No. 1 v. State*, 236 Mont.  
18 44, 58, 769 P.2d 684, 693 (1989), ruled that Article X, section 1(2), "establishes a special burden in Montana  
19 for the education of American Indian children which must be addressed as a part of the school funding issues";  
20 and

21 WHEREAS, a 1995 interim study, which resulted in passage of House Bill No. 528, commonly called  
22 Indian Education for All, enacted by the 1999 Legislature, reported that one of the reasons that Indian students  
23 dropped out of school was that schools provided Indian students with no role models or curricula that was  
24 inclusive of Indian culture or of relevance to Indian students; and

25 WHEREAS, since 1998-99, the dropout rate for all students in Montana has remained steady at about  
26 4%, while the dropout rate for American Indian students has remained steady at 10%; and

27 WHEREAS, in 2002-03, the graduation rate in Montana high schools for all students was 84%, but for  
28 American Indian students, it was only 58%; and

29 WHEREAS, educators acknowledge that students who drop out of high school most often have  
30 disengaged from the education process as early as elementary school; and

1 WHEREAS, in Columbia Falls School District No. 6 v. State, Cause No. BDV-2002-528 (1st Judicial  
2 District 2004), the District Court ruled that the current state funding system violated Article X, section 1(2), of the  
3 Montana Constitution because by not providing funding to implement Indian Education for All, the state had  
4 "failed to recognize the distinct and unique cultural heritage of American Indians and has shown no commitment  
5 in its educational goals to the preservation of their cultural identity"; and

6 WHEREAS, dropouts have a tremendous impact on society at large, primarily in the form of increased  
7 social costs, while high school graduates will become assets to our local and state economies by becoming  
8 productive and successful citizens.

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **NEW SECTION. Section 1. Dropout prevention program.** (1) The office of public instruction shall  
13 establish a dropout prevention program to provide information, resources, and technical assistance to school  
14 districts that have identified at-risk students within their districts and have requested assistance from the office  
15 in enhancing or developing local programs designed to keep students who are at risk of dropping out in school  
16 until they receive a high school diploma or its equivalent. The program must include but is not limited to a  
17 procedure to assist school districts in identifying the reasons why students are dropping out of school.

18 (2) It is the intent of the legislature that the dropout prevention program be integrated with the efforts of  
19 the superintendent of public instruction to implement Indian education for all, codified at Title 20, chapter 1, part  
20 5, and that the superintendent provide a dropout prevention progress report to the state-tribal relations  
21 committee, the board of public education, and the regular session of the 60th legislature.

22 (3) The superintendent shall consult with the Montana advisory council on Indian education on dropout  
23 prevention as it pertains to American Indian students.

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25 **NEW SECTION. Section 2. Appropriation.** In addition to any money appropriated to implement Indian  
26 education for all, there is appropriated \$50,000 from the general fund to the superintendent of public instruction  
27 for the biennium beginning July 1, 2005, to provide technical assistance to school districts in developing dropout  
28 prevention programs.

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30 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 1].

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3 NEW SECTION. **Section 4. Notification to school districts.** The secretary of state shall send a copy  
4 of [this act] to the superintendent of public instruction for dissemination to every public school district in Montana.

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6 NEW SECTION. **Section 5. Notification to tribal governments.** The secretary of state shall send a  
7 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
8 band of Chippewa.

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10 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2005.

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